

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DEREK FOLLEY,

Plaintiff, : Case No. 3-22-cv-16

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

BARBARA P. GORMAN, et al.,

:
Defendants.

**REPORT AND RECOMMENDATION ON PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT**

For the reasons set forth in the prior Report and Recommendation (ECF No. 71), to wit, because this case is barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), Plaintiff's Motion for Summary Judgment (ECF No. 8) should be denied.

March 17, 2022.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Because this document is being served by mail, three days are added under Fed.R.Civ.P. 6, but service is complete when the document is mailed, not when it is received. Such

objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. #